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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,640	07/10/2003	Ricky Creel	2491.001	3431

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B. Craig Killough  
Barnwell Whaley Patterson & Helms, LLC  
P.O. Drawer H  
Charleston, SC 29402-0197

EXAMINER

GREEN, BRIAN

ART UNIT PAPER NUMBER

3611

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/616,640	<b>Applicant(s)</b> CREEL, RICKY	
	<b>Examiner</b> Brian K. Green	<b>Art Unit</b> 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to because in figure 2 the rear panel (6) is not shown in proper cross-section, i.e. cross-hatching to make it clear that the cross-section of rear panel (6) is being shown (similar to the manner in which the applicant shows the front panel and top panel in figure 2). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: on page 2, line 13, "pan l" should be "panel". On page 4, line 13, "form d" should be "form". On page 5, line 16, "sid s" should be "sides".

Appropriate correction is required.

***Claim Objections***

Claims 1-6 are objected to because of the following informalities: In claim 1, lines 10-11, "said below" should apparently be "and below". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Young (U.S. Patent No. 2,834,134).

Young shows in figures 1-3 a lighted image display comprising an image frame box comprising a front panel (14) with a transparent portion (16) and a lower opaque portion, a rear panel (54) having an image (see column 2, lines 54-57 and 68-70) thereon, and electric lights (44). Some of the light from the lights (44) would reflect off of the image on the rear panel (54). In regard to claim 3, the transparent portion (16) is at least 50 percent of the surface of the front panel.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Young (U.S. Patent No. 2,834,134).

Young does not disclose whether the front panel and rear panel are spaced apart by at least 2.5 centimeters. Young discloses in column 3, lines 15-20 the idea of varying the distance between the rear panel (54) and the panel (36) which is attached to the front panel. It would have been obvious to one in the art to modify Young by spacing the rear panel and front panel apart by at least 2.5 centimeters since this would help to make the image appear to be three dimensional, i.e. it would create greater depth to the display and improve the desired three-dimensional effect.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Young (U.S. Patent No. 2,834,134) in view of Yu (U.S. Patent No. 5,265,357).

Young discloses the applicant's basic inventive concept except whether the image placed on the rear panel is in the form of a photograph. Yu shows in figures 1-4 a display frame that includes a rear panel (30) that includes a photograph (10c) attached thereto. In view of the teachings of Yu it would have been obvious to one in the art to modify Young by making the image in the form of a photograph since this would allow the image to be formed/attached to the rear panel in an easier and faster manner.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Young (U.S. Patent No. 2,834,134) in view of Cannady (U.S. Patent No. 6,668,477).

Young discloses the applicant's basic inventive concept except for making the front panel and the rear panel parallel. Cannady shows in figure 1 that the front wall (13A) is parallel to the back wall. In view of the teachings of Cannady it would have been obvious to one in the art to modify Young by making the front panel parallel to the rear panel since this would allow the front panel to be made in an easier, faster, and less expensive manner.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Young (U.S. Patent No. 2,834,134) in view of Brody (U.S. Patent No. 3,783,544).

Young discloses the applicant's basic inventive concept except for placing a reflective material on at least a portion of the side walls. Brody shows in figures 1-2a an illuminated display which includes reflective paint on the side walls, see column 6, lines 51-55. In view of the teachings of Brody it would have been obvious to one in the art to modify Young by attaching reflective material to the side walls since this would allow the image to be illuminated in a more brilliant manner.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tarzian, Cristadoro, Keyes, Robison et al., Nisle, and Schweitzer teach the use of illuminated displays.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BRIAN K. GREEN  
PRIMARY EXAMINER

Bkg  
June 24, 2004